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THE

CHINESE EXCLUSION ACT.

REPORT AND RESOLUTIONS

ADOPTED BY THE

CHAMBER OF COMMERCE

OF THE

STATE OF NEW YORK,

DECEMBER 5, 1889.

NEW YORK,
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THE CHINESE EXCLUSION ACT.

REPORT AND RESOLUTIONS ADOPTED BY THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK, DECEMBER 5, 1889.

The committee on Foreign Commerce and the Revenue Laws, to which was referred a communication from Mr. C. P. Huntington relating to the Chinese Exclusion Act, submits the following report:

The attention of the Chamber has been called to this subject by a letter addressed to Mr. A. A. Low, a member of the Chamber, by Mr. C. P. Huntington, also a member, and by Mr. Low referred to the Chamber. As this letter is the basis of our inquiry and embodies the views of many of the people of the United States, it is proper that it should be given in full. It is as follows:

NEW YORK, November 24th, 1888.

A. A. Low, Esq.,
Burling Slip, New York City.

Dear Sir: I do not carry in my mind whether you have altogether retired from the China trade; but I know you still have a keen interest in the national prosperity and in the dignity and honor of this Government. I suppose you felt as most other people did, last summer, when Congress passed the Chinese Exclusion Act, that it was an unworthy proceeding which nothing but the necessities of a partisan struggle could have brought about. It may have been foreseen, and perhaps was pointed out at the time, that the Government of China had it in its power to inflict far more serious harm upon our country than we could upon China, even supposing that the coming of the Chinese was the injury to our laboring people which was charged. It seems that without uttering a word or lifting a finger the Chinese are enabled to retaliate effectively against our commerce; so that we have not only offered them a wanton affront, but also injured ourselves in a twofold way, by excluding a tractable and cheap labor which we very much need to build up our desolate places; and by the loss of a valuable trade which we might have kept to the exclusion of our rivals. A gentleman direct from Chinese and Japanese ports tells me that since the news of the passage of the Exclusion Act reached China American agents there have been unable to sell any of the coarser cotton textile fabrics, of which they had been taking large quantities. Their wants are supplied from other sources; England, I suppose. They offer

no explanation for this change of policy, but simply say they are not buying. Just as soon as they can supply themselves with petroleum from Asiatic oil wells we may expect that trade to follow. Clocks and machinery can be supplied by the English and Germans who would be glad to relieve us of the trade. The tea, mattings, raw silks and other commodities which we need and can buy nowhere else, Americans will have to pay for in coin, or exchange on London, when we might have paid for them with our own products.

Is not this a heavy price to pay for the luxury of the hoodlum vote of California. It is to be hoped that the expiring Congress will find time to undo this pernicious piece of spiteful legislation; or, if not, that the incoming administration will so interpret the law and instruct its ministers so as to restore the lost amity. Just how this is to be brought about, you know as much as I do.

It occurs to me that the New York Chamber of Commerce might properly speak on this subject, and I know of no one so well fitted as yourself to move in this matter. If you will undertake it, please do so; and if I can be of any assistance to you in the matter, I shall cheerfully render it. It seems to me this is a clear case where patriotic duty calls for prompt action.

Very respectfully yours,

C. P. HUNTINGTON

That the sentiments of this letter are not peculiar to its author, but are shared by many others in all parts of the United States, is manifest from the following expressions taken from prominent public journals.

The *Commercial*, of Louisville, says:

"The Chinese question is receiving a larger share of public attention as it becomes apparent that the ill effects of the Exclusion Act are manifold and certain, while it is exceedingly doubtful whether 'exclusion' can really be accomplished."

The *Bulletin*, of Providence, R. I., says:

"For the inspiration of the whole disgraceful business was not the public welfare nor the public dignity, but the desire to advance public party interests by satisfying a clamoring crowd of Pacific coast voters. With few exceptions the leaders of either party were only too eager to grant whatever the sand lot crowd of San Francisco desired. * * * So generally was this understood that the harsh construction put upon the act in the late administration was accepted without question everywhere as fairly embodying the purpose of Congress; and no one, even among those who deplored the law and felt humiliated in their citizenship by it, ever thought to doubt the correctness of the decision, but looked upon it as the natural conclusion to a piece of shameful demagogism.

"Some day, doubtless, we shall learn that by insulting a sensitive people who are essential to the development of our commerce on the Pacific, and who might have been made valuable customers, we have spited nobody so much as ourselves."

"The San Francisco *Report*," says the Atlanta *Journal*, "has amended the California slogan, 'The Chinese must go.' It says that the agriculturists who cannot get along without them must also go; that 'if they have become so far demoralized as to prefer to associate with yellow slaves rather than with their

fellow-countrymen, California can hardly be a desirable place of residence for them.' Isn't it about time to consider whether we are not pushing to hurtful extremes the policy of excluding workingmen from this country."

"The St. Paul *Pioneer Press* characterizes the regulation forbidding Chinese laborers from landing at American ports, for any purpose whatever, as being 'about as stringent as the old anti-Huguenot laws of France.' And that paper goes on to say, 'It is to the material interest of this country to cultivate friendly relations with China. We want her trade, now largely going to Great Britain, but we cannot expect to get it by hurling exclusion acts at her. As a matter of fact the anti-Chinese laws now existing have not kept many Chinese out of the country. They come in with the greatest ease through British Columbia and Mexico. There are just as many Chinese in the country as there were in 1880. This is the result of about forty years' immigration. And, as these people cling more fondly to their native heath than any other in the world, the dangers of their overrunning this continent, even if all its ports were thrown open to them, is altogether imaginary."

The Omaha *Bee* declares that "the matter possesses the interest of an international question, the decision of which will hardly fail to have a more or less important bearing upon our future relations with China;" and "the Chinese government may reasonably be expected to regard the discrimination against its people as evidence of a seated hostility to them which self-respect would compel it to resent. Chinese merchants have already done so to the detriment of our commerce with China, but a further evidence of American aversion to the people of China may move the government of that country to take notice of the feeling in a way that might prove of a considerable damage to us."

The *Daily Commercial Bulletin*, of New York, in the course of a long and well considered article on "China as a Market for Americans," after commenting on the enterprising tendencies of the present government of China, says:

It is absolutely certain, that the opening up of China, with its enormous population, must, despite native views to the contrary, mean a great impetus to her foreign trade. The railroad ordered to be made will be followed by similar enterprises in other directions. The interior of China, of which we know so little, and the inhabitants of which know still less about us, will then be brought into contact with Western manufacturers; and it needs no spirit of prophecy to tell what the tremendous outcome of that will be. With an area of about 5,000,000 square miles, and a population of over 400,000,000 souls, the possibilities of international trade with the Chinese Empire in future generations are altogether beyond calculation.

In this connection it will be well to examine our own position with regard to the commerce of China. A return recently issued by the Maritime Customs Office of that country gives the imports of foreign merchandise (apart from the junk trade with Hong Kong and Macao) for the year 1888 as $130,000,000—an increase on 1887 of 11 per cent. This improvement is part of a continuous growth, as the imports for the following years show.

1883	$91,500,000	1886	$109,000,000
1884	90,000,000	1887	117,500,000
1885	110,000,000	1888	130,000,000

The increase in the six years is thus no less than 43 per cent. Of the total imports last year, cotton goods represent $55,000,000, or 42 per cent. Our exports to China (exclusive of Hong Kong) were as follows:

YEAR ENDING JUNE 30.

1883	$4,100,000	1886	$7,500,000
1884	4,600,000	1887	6,200,000
1885	6,400,000	1888	4,600,000

These exports are made up almost entirely of cotton goods and petroleum. The exports of the former were greatest in 1887, when they reached $5,180,000, and of the latter in 1886, when they reached $2,400,000. For the year 1889 it is expected that the volume of imports into China will show the rate of expansion well maintained. For the year ending 30th June last our exports of cotton goods have fallen to $1,500,000, and of petroleum to $900,000—a decrease of 71 and 61 per cent. respectively from the best figures shown during the preceding six years. Thus, not only have we had no share in the increased imports into China, but have lost ground absolutely as well as relatively. In both leading divisions the decline can in some degree be traced to the natural effects of successful competition of other countries, notably Great Britain in cottons, and Russia in petroleum. It is certain, however, that it has been accelerated by the resentment aroused in China by our anti-Chinese legislation. The position demands the attention of our government as well as of our manufacturers, and we believe that when it is fully realized steps will be taken to regain the friendly interests of a nation whose possibilities are well nigh as great as our own.

The Japan *Gazette*, of Yokohama, 26th September, in a long article on "The United States and China," referring to reported measures of retaliation on the part of China for the treatment of the Chinese in the United States, says:

It is not easy to discover that any other course than the one which formed the subject matter of the conference remains for China to adopt as a counter thurst for the humiliation and indignity America has cast upon her. It is far from our desire to say that the United States was not perfectly justified in adopting the measure she did to prevent the celestial octopus stretching its vicious self over her territory. Justification in the highest existed. Chinese immigration thither had assumed alarming proportions and it was characterized by all those damning features ever associated with the Chinese element. The danger is one which faces America just as it has faced the Colonies, and it is well for those of our own color that it should be opposed by the best modes of defense. Only one result is aimed at, but it may be possible to achieve all that is desired by a plurality of methods. Perhaps America has not adopted the right one; at any rate she has clearly ruffled Chinese dignity. Such a decided act as hers, although, as we think, justified, was perhaps impolitic as the result indicates.

With these expressions of opinion as to the effect of the act and its policy, as an introduction, we now proceed to give as briefly as possible a record of the events that have led up to the present

condition of our relations with the Chinese and to the passage of the Act referred to in its present form, in the Autumn of 1888.

The discovery of gold in California in 1848, an event which perhaps more then any other in recent times has contributed to the commercial and industrial growth of nations, first brought the people of the United States into social and business relations with the Chinese. Attracted by reports of the wealth to be found in our mines and excited by the return of some of the pioneers of their race, bearing in their hands the golden fruit of their toils, the stream of immigration began. For twenty years it grew in volume until, in 1876, the number of Chinese in California was about 100,000. A very much greater number had come to this country, but a large proportion of them had returned to their homes, and at the the close of this period of twenty-seven years it appears from the census reports that the number returning was nearly as large as the number arriving.

The growth of this Chinese immigration directed attention to the diplomatic relations between the government of China and the United States. The first treaty with China in 1844, and the second treaty of 1858, were limited to the purpose of protecting American citizens doing business in China. The important right secured by these treaties was that by which Americans charged with offenses should be tried by United States laws in Consular Courts. These treaties related exclusively to the rights and privileges of Americans in China and defined the ports or limits within which they might reside for the purposes of trade.

Mr. Hamilton Fish, our Secretary of State, in a communication to Mr. Bancroft, then American Minister at Berlin, dated August 31, 1869, says: "The communication between China and the outside world was merely confined to the trading points. With the intellects that rule that nation of 450 millions of people, with the men who gave it its ideas and directed its policy, with its vast internal industries, with its great agricultural population, the traders consuls and functionaries of the ports rarely came into contact except in the contact of war.

The European Chinese policy was one of isolation, inasmuch as it only sought the developement of a foreign trade at certain particular ports, and of disintegration, as it practically ignored the Central government and made war upon the provinces to redress its grievances and enforce its demands."

This describes the relations between China and the outside

world, at the time the emigration of her people to our Pacific coast was rapidly increasing, and beginning to excite general interest. It may therefore be readily conceived that when it was announced that Mr. Burlingame, American Minister to China, had resigned his commission to accept the post of Ambassador of China to the Western nations, it attracted universal attention. When it became known that this appointment was for the purpose of introducing China into the family of civilized nations, and of removing the barriers which had hitherto excluded her from intercourse with the great nations of the world, attention became curiosity and curiosity was supplanted by a general sense of rejoicing at this sudden conversion to the ways of modern civilization of a nation comprising a quarter of the population of the globe.

Mr. Burlingame, in his capacity as Ambassador of China, negotiated a treaty with the United States, described by Mr. Fish in the letter above referred to, as follows: "The treaty negotiated by Mr. Burlingame and his colleagues was a long step in another direction. It came voluntarily from China and placed that power in theory on the same diplomatic footing with the nations of the Western world. It recognized the imperial government as the power to withhold or to grant further commercial privileges, as also the power whose duty it is to enforce the peaceful enjoyment of the rights already conferred."

"While it confirms the extra-territorial jurisdiction conferred by former treaties upon European and American functionaries over the persons and property of their countrymen, it recognizes at the same time the territorial integrity of China, and prevents such jurisdiction from being stretched beyond its original purpose. While it leaves in China the sovereign power of granting to foreigners hereafter the right to construct lines of railroads and telegraphs, of opening mines, of navigating the rivers of the Empire with steamers and of otherwise increasing the outlets of its wealth by the use of the appliances of Western civilization, it contemplates that China shall avail herself of these appliances by reasonable concessions to be made as public necessities, and as the power of the government to influence public opinion will permit."

Such was the view held by our Secretary of State of the value and importance of the Burlingame Treaty of July, 1868. And pending its ratification by the Chinese government, which was

delayed for more than a year, Mr. Fish expressed his solicitude in the following language:

"The President thinks it would be well to have defined by law, as soon as possible, the relations that are hereafter to exist between the United States and China. Many considerations call for this. Every month brings thousands of Chinese immigrants to the Pacific coast. Already they have crossed the great mountains and are beginning to be found in the interior of the continent. By their assiduity, patience and fidelity, and by their intelligence, they earn the good will and confidence of those who employ them. We have good reason to think that this thing will continue and increase. On the other hand, in China, there will be an increase in the resident American and European population, not by any means commeasurate with the growth of Chinese immigration to this country, but corresponding with the growth of our country, with the development of its resources on the Pacific Slope, and with the new position in the commerce of the world which it takes with the completion of the Pacific Railroad."

There is reason to believe that the sentiments expressed by our Secretary of State, in 1869, and by him attributed to President Grant, were at that time the sentiments of the whole country, including the Pacific coast.

The special features of the Burlingame Treaty may be found in Articles V. and VI. In its other parts it substantially confirmed the provisions of former treaties. Article V. contains the remarkable provision by which both parties "recognize the inherent and inalienable right of man to change his home and allegiance, and also the natural advantage of the free migration and emigration of citizens and subjects from one country to another for purposes of curiosity, of trade, or as permanent residents."

This was peculiarly an American doctrine which had for many years been a vexed subject of diplomatic negotiations with European countries, and its recognition in the Burlingame Treaty was naturally regarded as a great triumph. The same article provided for the prevention of involuntary emigration, which, under the name "Coolie Trade," had aroused the indignation of the civilized world.

Article VI. gave citizens of the United States in China all the rights and privileges of citizens of the most favored nations, and to Chinese in this country the same rights as were enjoyed by subjects of the most favored nations.

President Hayes in his veto massage of Mar. 1, 1879, says: "The principal feature on the Burlingame Treaty was its attention to and its treatment of the Chinese immigration, and the Chinese, forming, or as they should form, a part of our population." "Up to this time our uncovenanted hospitality, our fearless liberality of citizenship, our equal and comprehensive justice to all inhabitants, whether they abjured their foreign nationality or not, our civil freedom, and our religious toleration, had made all comers welcome, and, under these protections, the Chinese, in considerable numbers, had made their lodgment on our soil." "The Burlingame Treaty undertakes to deal with this situation, and its Vth and VIth articles embrace its most important provisions in this regard, and the main stipulations in which the Chinese government has secured an obligatory protection of its subjects within our territory."

In other words, the United States in consideration of certain obligations assumed by China, entered into a solemn contract to treat the Chinese coming to this country, as they always had been treated, and as immigrants from all other countries had always been treated.

What had always been our custom became a treaty obligation in return for certain covenants on the part of China, the chief of which was that all involuntary emigration was to be forbidden and penalties imposed to prevent it, and punish those who should in violation of the law engage in it.

Senator Morton of Indiana, said, "that this treaty was regarded by the whole nation as a grand triumph of American diplomacy and principles, and Mr. Burlingame as a benefactor of his country."

It is essential to observe that at the time of the approval of this treaty, and its recognition as a beneficial act for this country, the Chinese had been here in great numbers for more than twenty years. The record of their arrival as found in the Report of the Joint Special Committee of Congress, in 1876, shows that the whole number of Chinese in the United States at that time was about 114,000, and in California about 94,000. Another witness makes it about 4,000 less. It also appears that the largest arrivals were in the years 1848 to 1854. In that period the arrivals were over 50,000 and the departures about 8,000, leaving in the country at the beginning of 1855 about 42,000—or nearly half the whole number in California in 1876, twenty years later. In 1869, the number had reached about 70,000, or three-fourths the number

found in California in 1876. It is therefore obvious that the people of California and of the whole United States had had prior to the approval of the Burlingame Treaty, ample opportunity to become familiar with the character of the Chinese. Nevertheless the treaty was welcomed which protected them in this country and encouraged their immigration.

This reflection brings us to one of the most remarkable changes of public sentiment on the Pacific coast, which has probably ever characterized a people, a change as sudden as it was remarkable, and as universal as it was sudden. Almost immediately after the confirmation of the Burlingame Treaty, in 1869, murmurs began to be heard in California, hostile to the Chinese. As early as December 22, 1869, an appeal was made to Congress for legislation to restrict Chinese immigration. Each successive Congress was appealed to but without effect until the 44th Congress, in 1876, appointed a joint committee to take testimony, and in 1877 passed a resolution calling on the President to "open negotiations with the Chinese government for the purpose of modifying the provisions between the two countries and restricting the same to commercial purposes." At the same time the Legislature of California appointed a special committee to investigate the subject and prepare a memorial to Congress. It was issued August, 1877, as an "Address to the people of the United States, upon the social, moral and political effect of Chinese immigration." This address contains evidence to prove that "the Chinaman is a factor hostile to the prosperity, the progress and the civilization of the American people."

The report of the Joint Committee of Congress, February, 1877, which fills a large volume of nearly 1,300 pages, contains similar evidence in greater detail, showing the unfitness of the Chinese, by their social and moral characteristics, by their religion and by their peculiar and apparently ineradicable desire to return to their native country, dead or alive—to form part of our population, to amalgamate with or be absorbed into it, as other races have been. It points out the fact that they come here, as a rule, without wives or children, live apart from other races, form no attachments to the soil or to our people, and by their lack of family relations and children present no facilities for association with our people, and no opportunities for growing into conditions or habits, which would tend to make them ultimately homogeneous with us. Furthermore, it was claimed by many witnesses, that the Chinese were a festering

mass of corruption in the body politic, threatening to destroy the moral and physical health of the people, and that there were no other means of preventing this result than for the government to intervene, and by some modification of the treaty with China, check Chinese immigration.

The evidence on the other side was no less complete, showing the virtue, integrity, cleanliness, industry, skill, peaceableness, and, in general, the desirableness of the Chinese as an industrial element of our population.

It must be acknowledged that the witnesses on this side of the case were, as a rule, of the highest personal character, men of great intelligence, familiar, by practical relations, with the Chinese in various capacities, and many of them men who had learned the character of the Chinese by long residence in China.

It is also apparent that the conduct of the examination was in a spirit of bitter hostility to the Chinese and with a determination rather to prove the case against them than to ascertain the truth. The report as presented to Congress by Senator Sargent, of California, representing a majority of the joint committee, is adverse to the Chinese and recommends immediate steps to restrict the privileges granted by the treaty. On the other hand Senator Oliver P. Morton, the chairman of the committee, who heard patiently all the testimony, in a fragmentary paper, intended as the basis for a minority report, which was printed by order of the Senate after Mr. Morton's death, took strong grounds in favor of maintaining the treaty. He says: "The testimony shows that the intellectual capacity of the Chinese is fully equal that of white people. Their ability to acquire the mechanic arts and to imitate every process and form of workmanship, ranks very high, and was declared by many witnesses to be above that of white people, and their general intellectual power to understand and master any subject presented to the human understanding, to be quite equal to that of any other race." His conclusions are briefly embodied in the following sentences: "As Americans, charged with the administration of the laws by which equal rights and protection shall be extended to all races and conditions, we cannot now safely take a new departure which, in another form, shall resurrect and re-establish those odious distinctions of race which brought upon us the late civil war, and from which we fondly hoped that God in his providence had delivered us forever. "If the Chinese in California were white people, being in all other respects what they are, I do not believe

that the complaints and warfare against them would have existed to any considerable extent." "Their difference in color, dress, manners and religion have, in my jndgment, more to do with this hostility than their alleged vices, or any actual injury to the white people of California." He further adds, by way of suggestion of a remedy for their persecution: "Complete protection can be given them only by allowing them to become citizens and acquire the rights of suffrage when their votes would bccome important in elections and their persecutions in great part converted into kindly solicitation."

These are the opinions of one who was doubtless the largest minded man on the committee, and who, being free from local influences and prejudices, and evidently aiming only at conclusions which were sustained by the testimony, justly commands from the disinterested inquirer, the highest degree of confidence.

We have been thus prolix in comments upon the report of the joint committee, because it was the basis of all subsequent acts relating to the Chinese, and must be considered as the most complete testimony on the Chinese question on both sides.

It would be impracticable to follow the debates on this question which have to a greater or less extent occupied the attention of Congress and the country from the time this report was made down to the present day. On the one side was urged our duty to humanity and to the principles of human liberty on which our government is founded; the importance of maintaining friendly relations with China, for religious and moral as well as for commercial purposes; the unreasonableness of the fears which prevailed in some quarters that the Chinese would overrun this country, or reduce its standard of civilization. It was shown that the emigration was limited to a district of China about the size of Connecticut, and for reasons founded upon peculiarties of language and inherited habits, would never affect the population of China outside of this region. It was shown that this class of Chinese was distinguished for thrift, integrity and cleanliness.

On the other side while admitting the importance of the general propositions as to our treaty obligations, and humanitarian reasons, the arguments and facts brought forward by the friends of the Chinese were diametrically contradicted. The coming of the Chinese was denounced as a horrible invasion, tending to dishonor labor, corrupt our morals and disintegrate our civilization.

Into the discussion from the start has been injected a political

issue, which has determined every vote taken in Congress; the issue as to the partisan control of the Pacific States. To illustrate this fact we call to mind the famous Morey letter, a forgery, imputed to Gen. Garfield in October, 1880, in which he was made to favor the importation of Chinese labor, in order to defeat his election. Both Republicans and Democrats feared the consequence of opposing the wishes of the people of California and the adjoining States. And no one could doubt what their wishes were respecting Chinese immigration. For this reason, from the outset, the veto of the President has been the only barrier in defense of our treaty obligations and of the rights of the Chinese in the United States.'

The next move in the direction of a change was a resolution by Congress, early in 1878, requesting President Hayes "to open correspondence immediately with a view of securing a change or abrogation of all stipulations in existing treaties which permit unlimited immigration of Chinese to the United States." This resolution never reached the President, and therefore nothing was done. Early in 1879 the Committee on Education and Labor introduced "an act to restrict the immigration of Chinese to the United States." This was the first of a series of acts passed for the same purpose. It limited the number of Chinese passengers by any one vessel to fifteen, and was vetoed by President Hayes for the general reason that it was in violation of treaty stipulations. He adds the special reason that, "the recession of emigration from China to the Pacific coast relieves us from any apprehension that the treatment of the subject by the proper course of diplomatic negotiations will introduce any new features of discontent or disturbance among the communities directly affected," and he deprecates violation of our treaties with China as more injurious than any local inconveniences.

In reference to this last mentioned act, a special meeting of the Chamber of Commerce was held on the 27th of February, 1879, at which earnest addresses were made in opposition to the passage of the Act by Messrs. A. A. Low, Wm. H. Fogg, Elliot C. Cowdin, Jackson S. Shultz, Charles Watrous and Isaac Phillips.

Resolutions, embodying this sentiment and calling on the Government to fulfil its treaty stipulations, were unanimously adopted.

Similar resolutions were adopted in various places, chiefly along the Atlantic coast.

Meantime the voters of California, in September, 1879, in con-

formity with a recent law of the State, met at the polls to express the wishes of the people respecting Chinese immigration. For Chinese immigration there were cast 883 votes, against it were 154,638 votes, and the entire vote of the State was cast within less than 4,000. In Nevada the vote was 183 for and 17,259 against it.

In March, 1880, the Committee of the House of Representatives on the Causes of the Depression of Labor, submitted a report attributing much of the existing trouble to the presence of the Chinese. Although the minority condemned this view, and charged the majority with prejudice, the report resulted in an inquiry addressed to the President respecting the steps, if any, which had been taken to change the Burlingame Treaty. To this Secretary Evarts replied that no definite measures had been concluded, but "that preparation had been laid for a conclusive disposition of the matter." Following this, at an early date, came the appointment of James B. Angel, John F. Swift and Wm. Henry Trescot, Commissioners Plenipotentiary of the United States to China, for the purpose of securing, by friendly nogotiation, the desired modification of the Burlingame Treaty. They were cordially received by the Chinese government, and "two Chinese Commissioners of high rank and large influence, both members of of the Privy Council of State," were appointed, with full powers to consider their demands. After a comparatively brief discussion, which was marked on the part of the Chinese government by courtesy and by a friendly desire to treat with great consideration the wishes of the United States, the modifications were agreed to and a new treaty was signed on the 17th of November, 1880.

Secretary Evarts, in a letter to the President dated Jan. 10, 1881, says: "The treaty submitted settles the questions raised between the two countries, in a manner alike honorable and satisfactory to both. While preserving to the subjects of China engaged in mercantile pursuits, in study, in teaching or in travel for curiosity, the right of free intercourse with this country, the Chinese government has recognised, in the government of the United States, the right to regulate, limit and suspend the introduction into its territorry of Chinese labor, whenever in its discretion such introduction shall threaten the good order of any locality or endanger any interest." Early in 1881 this treaty became the law of the land by the approval of the Senate, and was followed in the same year by an act passed in the Senate, "to execute certain treaty stipulations relating to the Chinese." This act provided that, "from

and after the expiration of ninety days next after the passage of this act and until the expiration of twenty years, the coming of Chinese laborors to the United States be and the same is hereby suspended." The remainder of the act provides for the execution of this purpose, and defines the word laborers to mean both "skilled and unskilled laborers and Chinese employed in mining." This measure was thoroughly debated in both branches of Congress and these discussions cover the entire controversy. President Arthur returned the bill to the Senate, April 4, 1882, with his objections, which were substantially that, while the treaty gave the United States the right to limit and regulate the immigration of Chinese laborers, it did not authorize a prohibition, and that suspension for twenty years was essentially prohibition. This veto message is a valuable statement of the importance of maintaining friendly relations with China, and sustaining the traditional repute of the United States for good faith in its relations with foreign nations. It concludes as follows: "It may be that the great and paramount interest of protecting our labor from Asiatic competition, may justify us in a permanent adoption of this policy. But it is wiser in the first place to make a shorter experiment, with a view hereafter of maintaining permanently only such features as time and experience may commend."

The bill failed to pass over the veto, and on May 6, 1882, another bill was passed and approved by the President, substantially the same as the previous one, but substituting ten years for the twenty years, provided for in the original measure. It should be stated that it was provided in this act that Chinese lalorers in this country, or on the way to the United States at the time of the passage of the act, should have the right to leave or return to the United States on adequate proof of the facts. This act seems to have been satisfactory to the Chinese government, and together with measures previously adopted, checked the increase of Chinese immigration. The census of 1880 gives the total Chinese population in the United States at 105,000, of which 75,000 were in California. And from the evidence of their immigration since 1880, it appears that the arrivals are offset by their departures, so that there has been no material increase of our Chinese labor population since 1876. It is stated officially that in the three years ending Aug. 1, 1885, "the Chinese population in the country decreased by fully 20,000," a conclusion sustained by the steady advance of Chinese labor on the Pacific coast during that period.

But complaints were continually coming from the Pacific coast of the violation of the provisions of the act of 1882, and supplementary measures were adopted from time to time to enforce its provisions, always however keeping within the limits of our treaty obligations. The act itself came before the U. S. Supreme Court in California, which held it to be within the limits of the Treaty of 1880.

A portion of Mr. Justice Field's opinion, Sept. 24, 1883, in the case referred to is interesting as stating the most enlightened view of the people of California on the subject of Chinese immigration. He says :

In the treaty of July 28, 1868, commonly known as the Burlingame Treaty, the contracting parties declare that "they recognize the inherent and inalienable right of man to change his home and allegiance; and also the mutual advantage of free migration and emigration of their citizens and subjects respectively from one country to the other for purposes of curiosity, of trade, or as permanent residents." In its sixth article they declare that citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may be enjoyed by the citizens or subjects of the most favored nations; and reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by citizens or subjects of the most favored nations.

Before these articles were adopted a great number of Chinese had emigrated to this State [California], and after their adoption the immigration largely increased. But notwithstanding the favorable provisions of the treaty, it was found impossible for them to assimilate with our people. Their physical characteristics and habits kept them as distinct and separate as though still living in China. They engaged in all the industries and pursuits of the State; they came in competition with white laborers in every direction; and their frugal habits, the absence of families, their singular ability to live in narrow quarters without apparent injury to health, their contentment with the simplest fare, gave them in this competition great advantages over our laborers and mechanics (7 Sawyer, 549). They could live with apparent comfort on what would prove almost starvation to white men. Our laborers and mechanics are not content, and never should be, with the means of bare subsistence. They must have something beyond this for the comforts of a home, the support of a family, and the education of children. Competition with Chinese labor under the conditions mentioned was necessarily irritating and exasperating, and often led to collisions between persons of the two races. It was seen that without some restriction upon the immigration of Chinese, white laborers and mechanics would be driven from the State. They looked, therefore, with great apprehension toward the crowded millions of China and of the adjacent islands in the Pacific, and felt that there was more than a possibility of such multitudes coming as to make a residence here unendurable. It was perceived by thoughtful men, looking to the possibilities of the future, that the immigration of the Chinese must be stopped if we would preserve this land for our people and

their posterity, and protect the laborer from a competition degrading in its character and ruinous to his hopes of material and social advancement. There went up, therefore, most urgent appeals from the Pacific coast to the government of the United States to take such measures as would stop the further coming of Chinese laborers. The effect of these appeals was the sending of commissioners to China to negotiate for a modification of the Treaty of 1868. The Supplementary Treaty of 1880 was the result. It authorized legislation restricting the immigration of Chinese laborers to the United States whenever our government should be of the opinion that their coming would affect or threaten the interest of the country or endanger its good order, but expressly stipulated that its provisions should not apply to other classes coming to the United States.

It may be mentioned here that among the decisions which grew out of this act, was one to the effect that nothing therein prevented the transit of Chinese passengers across the country, whether laborers or others.

Notwithstanding the plain evidence that the acts of Congress to execute the Treaty of 1880 were effectual and that former causes of alarm growing out of the rapid increase of the Chinese laboring population had been substantially removed, the irritation seemed not wholly to have ceased, and it was made the ground of further legislation hostile to the Chinese, though always with protestations of good faith, and conformity with treaty obligations. Nevertheless these measures and their execution were often the subject of friendly remonstrance on the part of the Chinese Minister at Washington, who in a letter to Secretary Bayard, March 9, 1886, claims that "the guarantees so explicitly set forth in the treaty stipulations made between China and the United States have not been made good." He adds politely that "he feels sure that the government of the United States would not intentionally injure its established reputation by even a seeming neglect to provide the means for the complete fulfilment of all treaty obligations."

We now come to the year 1888, during which was to be determined whether the Democratic administration of the government should be continued. Both of the great political parties began early to manœuvre for position and to plan for the capture of votes. Among the questions which had in previous years largely determined the issue in the Pacific States, was the question of Chinese immigration.

In March, 1888, a resolution was passed in the Senate and transmitted to the President, "That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States, under the limitations

of our treaty with China, the President of the United States be requested to negotiate a treaty with the Emperor of China, containing a provision that no Chinese laborer shall enter the United States."

To this, the President replied that "negociation for a treaty was commenced many months ago and has since continued," and he expressed, "the hope and expectation that a treaty will soon be concluded concerning the immigration of Chinese laborers, which will meet the wants of our people, and the approbation of the Senate."

After prolonged discussion between Mr. Bayard, our Secretary of State, and Mr. Chang Yen Hoon, the Chinese Minister at Washington, a new treaty was agreed upon on the 12th of March, 1888, and approved by the Senate in the course of a few weeks afterwards. This treaty declares: "Whereas the government of China, in view of the antagonisms and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in the United States, desires to prohibit the emigration of such laborers from China to the United States," and proceeds to agree in Art. I., that for a period of twenty years, the coming of Chinese laborers shall be absolutely prohibited, with certain exceptions, including such as may have wives or property amounting to $1,000 in this country, and shall return here after an absence of not more than one year.

It provides for the maintenance of former stipulations concerning other classes of Chinese, and that laborers may have the right of transit across the country. It also provides that Chinese of all classes in the country shall have all the rights and privileges of the most favored nations, except that of naturalization, and the United States agrees to protect them in such rights.

This treaty was to remain in force twenty years and be continued indefinitely after that time unless formal notice should be given by either side of intention to terminate it.

On the 12th of May, 1888, the Chinese Minister wrote to Mr. Bayard that he had sent the treaty to his government for ratification.

On the 5th of September the Senate by resolution inquired of the President "whether the recent treaty with China had been ratified by the Emperor."

In reply to this the President transmitted dispatches from our Minister in China, first, to the effect that no "information had been

received," and, second, that the "treaty had been postponed for further deliberation."

Pending the further deliberation of which our Minister in China had given notice, a bill was introduced in the Senate of the United States to enact into law the provisions of the proposed treaty and provide for their execution. This bill was approved on the 13th of September, 1888; and, as if not satisfied with this act of disrespect to a friendly government, which had frankly conceded our demands, and was at the time deliberating upon the formal approval of the treaty which accorded them, another bill was introduced into Congress for similar purposes, but still more aggravating to the Chinese government. It was passed and finally approved October 1, 1888. It provides "that from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed or shall depart therefrom and shall not have returned before the passage of this act, to return to or remain in the United States; that no certificate of identity, etc., shall be issued, and every certificate heretofore issued is declared void, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States." It further repeals all parts of the act of 1882 which may be inconsistent with this act.

In a message to Congress, dated October 1, 1888, in which President Cleveland signifies his approval of the act just above referred to, he enters into a formal apology for the conduct of this government in refusing to await the deliberations of the Chinese government. The President states that on the 21st September he had received a telegram from our Minister in China "announcing the refusal to exchange ratifications unless further discussion could be had," and that in view of this refusal "an emergency had arisen in which the government of the United States is called upon to act in self defense by the exercise of its legislative power."

The official correspondence submitted with this message shows that while the general purpose of the treaty was approved by the Chinese government some of the details caused dissatisfaction to the Chinese people, and for that reason the Chinese government desired that the treaty should be reconsidered.

A communication from the Chinese legation in Washington, dated Sept. 25, 1888, informs Secretary Bayard that the Chinese

Minister would return to Washington in twenty-two or twenty-three days to reopen the discussion of some of these details and hopes, from the cordial relations which have hitherto existed between the two governments, that satisfactory conclusions will be reached.

But on the 18th of September, a week before the above correspondence took place, Secretary Bayard sent the following dispatch to our Minister in China :—" Denby, Minister, Peking: The bill has passed both houses of Congress for total exclusion of Chinese, and awaits President's approval. Public feeling on the Pacific coast excited in favor of it, and situation critical. Impress on government of China necessity for instant decision in the interest of treaty relations and amity. Bayard." Imagine the effect of this lash and spur applied to the stately and exalted Emperor of China and his dignified counsellors, especially in view of the courtesy and conciliation with which they had uniformly treated our government and its representatives.

Minister Denby replied, on Sept. 21st, that the Chinese government refused ratification unless after further consideration of details, and this it was preparing to give, as shown by the correspondence of Sept. 26th, already quoted.

The extraordinary haste with which our government proceeded thus to affront its ancient friend—to override its formal treaty stipulations, and substitute arbitrary legislation for diplomatic negotiations—presents a spectacle to which no American can well recur without a sense of mortification that the government of the United States should have shown itself so far inferior in courtesy and justice to the government of a nation, ordinarily, though erroneously, considered barbarian.

It is difficult to discover the emergency to which the President refers as his justification. It is evident that under existing treaties with China and the laws enacted in pursuance thereof, the objections to Chinese immigration had been substantially removed. The difficulties which remained were only in details, to secure the more perfect execution of the laws. The Chinese had ceased to come in dangerous numbers. Those who were here were spreading over the country, learning our language and usages, and everywhere proving themselves a quiet, law abiding and inoffensive people. The complaints, which formerly were heard, of their depressing influence on wages and labor, had ceased to be frequent or urgent. The Chinese were found to be apt in demanding

high wages, as they were commendable in saving them. Nowhere in the country was there any pressing demand for this class legislation. It can be explained only on the theory that a presidential election was pending, and that a demonstration must be made to capture the vote of the Pacific States. It may be said that these harsh and unnecessary measures, which were adopted just before the election of 1888, were not vigorously opposed by the anti-administration party, for reasons similar to those which inspired the promoters of those measures.

To close this already too lengthy statement of the circumstances which have led up to our present relations with China, it may be added that the Supreme Court of the United States has this year affirmed the constitutionality of the Chinese Exclusion Act, so called, on the broad ground of the power of Congress to abrogate a treaty. And it cannot be denied that the act itself, and the decision of the Supreme Court, were received with great satisfaction by the people of California. On this subject the San Francisco *Chronicle*, perhaps the best exponent of public opinion on the Pacific coast, and in politics an earnest Republican, concludes as follows:

> So it is settled by the highest authority in the land that the Chinese laborer cannot come to the United States to compete with our own workingmen on our own soil. The effect of this decision cannot fail to be salutary. It must result in dignifying labor by removing it from enforced competition with what is virtually servile labor; for as surely as debased coin will drive honest coin out of circulation, so surely will the presence of servile labor in a community cast a stigma upon free labor and drive it out of the market.
>
> Now the process of elimination can begin in earnest, and in place of the departing coolie we may look for that kind of labor which builds up a community and adds to the growth and prosperity of a nation. Now we may with a clear conscience invite labor from the older States, and insure it against being met on the threshold of California by a horde of Mongolians who can underbid any white labor and put it to flight. Now the regeneration of California can really begin; and if we desire to add another annual holiday to our list we may well celebrate the 13th of May, the day of the final decision of the Chae Chan Ping case.

In the presence of these convictions, representing the sense of that part of the American people who have the best opportunity of knowing the effect of Chinese immigration—and who have at an earlier day expressed their judgment by the emphatic vote of 800 for and 154,000 against Chinese immigration—there can be no question as to the propriety of terminating that immigration so far as it may be offensive to that important part of this nation which it most closely affects.

But with this acknowledgement our approval of the anti-Chinese measures of the late administration ceases. And we do not hesitate to express profound regret that it was found expedient to abandon the ordinary and regular methods of international negotiation to secure the desired results and substitute for them the arbitrary decrees of legislation. Especially is this action of our government to be regretted in view of the friendly attitude of the Chinese government, which had entertained with perfect cordiality our objections to their laboring people in this country and had shown their willingness to do whatever seemed necessary to remove them.

The effect of this conduct on the part of our government, which cannot fail to be considered by the Chinese government and people as arbitrary, discourteous and unfriendly, upon the relations of our people with the government and people of China is a subject in regard to which those best qualified to decide seem to have an almost unanimous opinion. This opinion has already been expressed in the extracts from American and foreign journals with which this report was introduced. They may be supplemented by numerous letters recently received by the Chamber of Commerce from merchants and missionaries in China. These letters are submitted to the Chamber herewith. But from some of them a few brief extracts will be found pertinent.

From Canton, Aug. 22, '89. A gentleman who has been a resident of that place more than forty years writes: "The government of China has considered the treaty made by Secretary Bayard and the Chinese Minister in the most friendly spirit. It only refused to ratify it owing to some additions made in the Senate to which the consent of the Chinese Minister had not been given. There is no doubt that a little diplomacy would have secured the acceptance of that treaty with very slight modifications." He says further: "The Chinese government has been very forbearing. This, however, does not imply that it does not feel the indignity most keenly. This people will bide their time."

From Shanghai, Aug. 14, '89. The Chamber of Commerce of Shanghai, to which was submitted various questions on the subject, says: "It is our opinion that as regards Shanghai, at any rate, it is incorrectly stated that Chinese officials discriminate between American and other foreign residents."

From Shanghai, Aug. 9, '89. The Head Master of St. John's College writes: "I do not think that trade interests in Shanghai

are in any way affected by the Exclusion Act. Among the educated Chinese there is a strong feeling and the insult to their nation is deeply felt."

Frazer & Co., merchants, write from Shanghai, Aug. 7, '89. "According to the best of our knowledge and belief, it is not true, as reported in the press, that American interests in China are suffering by reason of this law." "If any feeling of hostility has been generated in the minds of Chinese officials it has been caused by the rough and ready way in which the act has been passed."

Rev. Henry V. Noyes, now in this country, but many years resident of China and a careful observer, writes Aug. 30, '89:

"The antagonistic policy pursued by our government of late toward China, if persisted in, must in the end be injurious to American interests, both commercial and missionary. The Chinese are a long remembering as well as a long suffering people, and they understand well how to use the boycott principle when they consider it expedient."

Mr. B. C. Henry writes from Canton, Sept. 9, '89: "There is a widespread feeling that the Chinese are sure to retaliate, and if their policy of retaliation is not yet divulged it is only because in their opinion the time has not come to inaugurate it. They are not likely to forget that glaring injustice."

A clergyman in Shanghai writes Sept. 20, '89: "Although the Americans were in greater favor than any other people previous to this obnoxious enactment, our popularity has suffered, and the officers are sure to discriminate against our people to the advantage of other nations without, of course, giving the reasons."

In view of the facts here presented, and of the opinion widely expressed, concerning the effects of the arbitrary action of our government in the passage of the recent acts for exclusion of Chinese laborers from the United States, the Committee on Foreign Commerce and the Revenue Laws would now reccommend that measures be taken by the government of the United States to reopen the negotiations which were unfortunately interrupted and terminated by act of Congress approved by President Cleveland, October 1, 1888. It is believed by your committee that the change in the administration which has taken place since that act was passed, will readily permit a renewal of negotiations at the point where they ceased in September, 1888, and that the government of China will recognize and appreciate favorably a movement on the part of the

government of the United States looking to a peaceful and friendly adjustment of all questions in dispute, and to a restoration of the cordial good feelings that have always, till now, marked the intercourse of the two governments.

It is not proposed, nor even suggested, that the government of the United States should open the way for the revival of Chinese immigration, in violation of the convictions so long entertained and so earnestly expressed by our fellow citizens of the Pacific States.

But it is reasonable to believe from the tenor of the expressions of Chinese officials and of our own representatives in China, that if the Chinese government is frankly approached by the government of the United States, it will cordially respond in the same spirit, and will willingly enter into negotiations for a treaty agreement which will be satisfactory to both governments, and put an end to the bitterness which now seems to endanger the welfare of American citizens—whether missionaries or merchants—in China, and to threaten our commercial relations with China which promise to become of vast importance to our people, with the advancing culture and development of the Chinese Empire.

In the words of the Hon. John A. Kasson, spoken during the debates in Congress, in 1882:

"It is not a debased empire. Its higher authorities are the peers of European and American statesmen. We have here the representatives of that people, who are orderly, who are seeking education, who are in responsible places, who are entitled to respect.

"Let us be careful that we do not forfeit the friendship of a great empire, to be still greater in the future when she shall have accepted more and more of the principles of progress which animate us. Let us take care that we do not forfeit that friendship, and let us assure that great government of the honesty and good faith of this government and of the people of the United States."

Your Committee respectfully recommends the adoption of the following resolutions:

Resolved, That the President of the United States be and he hereby is respectfully requested to open negotiations with the Government of China for a peaceful and friendly adjustment of all questions between the two Governments, and for a restoration of the cordial good feelings which have always hitherto marked their intercourse.

Resolved, That the Secretary of the Chamber of Commerce be and he is hereby

instructed to transmit to the President of the United States, to the members of his Cabinet and to the members of each House of Congress a copy of the foregoing resolution, together with a copy of the accompanying report.

EDWARD H. AMMIDOWN,
FRANCIS B. THURBER,
CHARLES WATROUS,
GUSTAV H. SCHWAB,
STEPHEN W. CAREY,
} *Committee.*

NEW YORK, December 3d, 1889.

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